

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AMID, INC.,

Plaintiff,

v.

MEDIC ALERT FOUNDATION UNITED STATES, INC. d/b/a MEDIC ALERT FOUNDATION and JUSTIN NOLAND, an individual,

Defendants.

Case No. 4:16-cv-01137

LEE H. ROSENTHAL

Lisa Eddins

Courtroom Clerk Court Reporter

Preliminary Injunction Hearing

**DEFENDANTS' EXHIBIT LIST FOR
PRELIMINARY INJUNCTION
HEARING**

NO.	DESCRIPTION	OFFR	OBJ	DATE	
				ADMIT	N/ADM
1.	This Week Magazine article entitled, "The bracelet that saves lives" (1960), excerpted from "Celebrating 50 Years of Savings Lives" (2006)				
2.	MedicAlert Logo				
3.	MedicAlert Brochure (1993)				
4.	MedicAlert Marketing Campaign Excerpts (2008)				
5.	MedicAlert Press Release (2010)				
6.	MedicAlert Style Guide (2012)				
7.	<i>Clinical Pediatrics</i> Excerpt (1967)				
8.	Member Sticker (2008-2015)				
9.	MedicAlert In-Office Display and Packaging (Spring 2015)				

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10.	MedicAlert In-Office Display and Packaging (Spring 2015) (photos)				
11.	MedicAlert In-Office Display and Packaging (Spring 2016)				
12.	MedicAlert In-Office Display and Packaging (Spring 2016) (photos)				
13.	MedicAlert In-Office Display and Packaging (Fall 2016)				
14.	MedicAlert In-Office Display and Packaging (Fall 2016) (photos)				
15.	MedicAlert Cover Letter for Display (Spring 2015)				
16.	Updated MedicAlert Cover Letter for Display				
17.	Pre-2015 MedicAlert Tear-Off Pad Brochure				
18.	Examples of Pre-2015 MedicAlert In-Office Displays				
19.	Examples of Pre-2015 MedicAlert In-Office Displays (photos)				
20.	United States Postal Service – 201d – Quick Service Guide				
21.	Premium Shapes Display				
22.	Email from R. Russell to B. Tretheway (July 6, 2015)				
23.	Letter from R. Russell to D. Leslie re J. Noland and MedicAlert In-Office Displays (July 14, 2015)				
24.	Email from D. Leslie to R. Russell				

NO.	DESCRIPTION	OFFR	OBJ	DATE	
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	regarding Russell's July 6, 2015 Letter to Tretheway (July 20, 2015)				
25.	Email from R. Russell to D. Leslie re: J. Noland and AMID's purported IP (July 29, 2015)				
26.	Letter from D. Leslie to R. Russell re: R. Russell Letter of July 14, 2015(Aug. 27, 2015)				
27.	Email from R. Russell to D. Leslie acknowledging receipt of Leslie response dated Aug. 27, 2015 (Sep. 4, 2015)				
28.	Email from R. Russell to D. Leslie re: acquisition or partnership (Jan. 6, 2016)				
29.	AMID TM application (April 4, 2012)				
30.	AMID specimen filed at PTO (April 4, 2012)				
31.	Examples of AMID Displays				
32.	Examples of AMID Displays (photos)				
33.	Images of AMID website in 2010 (per Wayback Machine)				
34.	Images from AMID website in 2011 (per Wayback Machine)				
35.	Images from AMID website in 2012 (per Wayback Machine)				
36.	Images from AMID website in 2013 (per Wayback Machine)				
37.	Images from AMID website (2016)				
38.	Photo of AMID Tear-Off Sheet in CVS				

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	Pharmacy (2016)				
39.	Photo of AMID Display in Publix Supermarket, Florida (2016)				
40.	My Interactive Health Record Logo				
41.	One Call Alert Logo				
42.	AMID Blog Searches for Medic Alert (2013)				
43.	Email correspondence between J Petruzzi and L. van Loben Sels re: request to remove MedicAlert references from AMID website (beginning May 20, 2013)				
44.	American Medical ID Posts Tagged Medic Alert (June 20, 2013)				
45.	Results of Google search for “medical id” (Sep. 28, 2016)				
46.	Preview of American Medical ID Announces Partnership with One Call Alert (June 20, 2013)				
47.	Results of Google search for “american medical id medic alert” (April 9, 2013)				
48.	Results of Google search for “medic alert site, americanmedical-id.com” (April 9, 2013)				
49.	Results of Google search for “universal medical id medicalert” (April 9, 2013)				
50.	List of Unauthorized Use of the MEDIC ALERT Mark by American of Medical ID, Inc.				
51.	Gary T. Ford Report - App. A -				

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	Curriculum Vitae				
52.	Ford Report - App. B - Materials Relied On				
53.	Ford Report - App. C - Brochure – Medical Ids Save Lives!				
54.	Ford Report - App. D - Brochure - Medical Ids with Free Custom Engraving				
55.	Ford Report - App. E - Brochure – Medical Identification Tags – Stainless Steel Necklace is pictured				
56.	Ford Report - App. F - Brochure – Medical Identification Tags – Bracelets are featured on front				
57.	Ford Report - App. G – Evite to potential survey respondents				
58.	Ford Report - App. H – Secondary Meaning Survey Design				
59.	Ford Report - App. I – Screen Shots of the Programmed Questionnaire				
60.	Ford Report - App. J – SERMO Invitation to Online Study				
61.	Ford Report - App. K – Doctor Survey Design				
62.	Ford Report - App. L – Screenshots of A&I Survey				
63.	Ford Report - Table 1 - Results for Secondary Meaning Survey				
64.	Ford Report - Table 2 - Importance of Various Attributes In Decision to Display Advertising and Promotional Literature or Materials in the Mail For Products or Services That can be ordered or Purchased by Patients And/or Caregivers				
65.	Ford Report - Table 3 - Incidence of AMID, Inc. and MedicAlert Medical				

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	ID's in Physicians' Offices and Clinics				

Defendants reserve the right to use any exhibit identified or used by Plaintiff.

Defendants reserve the right to supplement or amend this list as permitted by agreement or by the Court.

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Attorneys for Defendants

Dated October 4, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of October, 2016 I caused a true and correct copy of the foregoing Defendants' Exhibit List for Preliminary Injunction Hearing to be electronically filed with the Clerk of the United States District Court for the Southern District of Texas, Houston Division by using the CM/ECF system, which will send notice of such filing to all counsel of record.

/s/ David J. Wolfsohn
David J. Wolfsohn